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Chiropractic Act of Texas

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CHIROPRACTIC ACT OF TEXAS

Rules and Regulations of The Texas
Board of Chiropractic Examiners
and
Minimum Standards Law



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**TEXAS BOARD OF CHIROPRACTIC
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Littlefield Building
Austin, Texas

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1412 Conway, Mission, Texas

Chiropractic Act

of the State of Texas

CHIROPRACTIC MINIMUM EDUCATIONAL STANDARDS AND REGULATION PRACTICE

Acts 51st Legislature, Regular Session,
1949

CHAPTER 94

*Be it enacted by the Legislature
of the State of Texas:*

Section 1. Any person shall be regarded as practicing Chiropractic within the meaning of this Act who shall employ objective or subjective means without the use of drugs, surgery, X-ray therapy or radium therapy, for the purpose of ascertaining the alignment of the vertebrae of the human spine, and the practice of adjusting the vertebrae to correct any subluxation or malalignment thereof, and charge therefor, directly or indirectly, money or other compensation; or who shall hold himself out to the public as a chiropractor or shall use either the term "chiropractor," "chiropractic," "doctor of chiropractic," or any derivative of any of the above in connection with his name.

Sec. 2 The Texas Board of Chiropractic Examiners hereinafter provided for shall defray all expenses under this Act from fees provided in this Act, and no appropriation shall ever be made from the State Treasury for any expenditures made necessary by this Act; and all fees remaining in the "Chiropractic Examiners Fund" at the end of any fiscal year in excess of Twenty Thousand Dollars (\$20,000) shall be transferred into the General Fund of the State of Texas.

Sec. 3. (a) That a Board to be known as "The Texas Board of Chiropractic Ex-

aminers" is hereby created. No member of said Board shall be a member of the faculty or Board of Trustees of any chiropractic school; and all appointments to said Board shall be subject to the confirmation of the Senate. The Texas Board of Chiropractic Examiners, which hereinafter may be referred to as "The Board," shall be composed of nine (9) members whose duty it shall be to carry out the purposes and enforce the provisions of this Act, and the Governor of Texas shall, upon the taking effect of this Act, appoint nine (9) graduate chiropractors to constitute such a Board, who shall have been residents of this State, actually engaged in the practice of chiropractic as defined in this Act, for at least five (5) years immediately preceding the passage of this Act. The Board thus appointed, or a quorum thereof, shall by virtue of such appointment issue licenses to themselves. Five (5) members of the Board shall constitute a quorum. No school shall ever have a majority representation on the Board. No member of said Board shall be a stockholder, or have any financial interest whatsoever in any chiropractic school or college.

(b) The members of the Texas Board of Chiropractic Examiners shall be divided into three (3) classes, one, two, and three, and their respective terms of office shall be determined by the Governor at the time of the first appointments hereunder. Three (3) members shall hold their offices for two (2) years, three (3) members four (4) years, and three (3) members six (6) years, respectively, from the time of their appointment and until their successors are duly appointed and qualified; and the members of one (1) of the above classes of said Board shall thereafter be appointed every two (2) years by the Governor to supply vacancies made by provisions of this Act who shall hold office for six (6) years and until their successors are duly appointed and qualified. In case of death or resignation of a member of the Board, the Governor shall appoint another to take his place for the unexpired term only. After the first Board has been appointed, only licensed chiropractors under the laws of the State of Texas, actively engaged in the practice of chiropractic, shall be eligible for appointment on said Board.

Sec. 4. Each member of the Texas

Board of Chiropractic Examiners shall qualify by taking the Constitutional Oath. At the first meeting of said Board shall elect a president, a vice-president and a secretary-treasurer from its members. Regular meetings shall be held to examine applicants and for the transaction of business at least twice a year at such time and place as may be determined by the Board. Due notice of such meetings shall be given by publication in such paper or journal as may be selected by the Board. Special meetings may be held on a call of three (3) members of the Board. The Board may prescribe rules, regulations and by-laws in harmony with the provisions of this Act for its own proceedings and government for the examination of applicants for license to practice chiropractic. The secretary-treasurer shall make and file a surety bond in favor of the Texas Board of Chiropractic Examiners in the sum of not less than Five Thousand Dollars (\$5,000) conditioned that he will faithfully discharge the duties of his office.

Sec. 5. The Board shall preserve a record of its proceedings in a book kept for that purpose showing name, age, place, and duration of residence of each applicant, the time spent in the study of chiropractic in respective chiropractic schools, together with such other information as the Board may desire to record. Said register shall also show whether applicants were rejected or licensed and shall be prima-facie evidence of all matters contained therein. The secretary of the Board shall on May 1st of each year transmit an official copy of said register to the Secretary of State for permanent record, a certified copy of which, with hand and seal of the secretary of said Board or the Secretary of State, shall be admitted in evidence in all courts.

Sec. 6. It shall be unlawful for anyone to practice chiropractic within the limits of this State who has not registered in the district clerk's office of the county in which he may reside and in each and every county in which he may maintain an office or may designate as a place for practicing chiropractic, the certificate evidencing his right to practice chiropractic as issued to him by the Texas Board of Chiropractic Examiners. The holder of every such certificate must have the same recorded upon each

change of residence to another county, as well as in each and every county in which he may maintain an office, or in which he may designate a place for practicing chiropractic; and the absence of such a record in any place where such record is hereby required shall be *prima facie* evidence of the want of possession of such certificate.

Sec. 7. Every district clerk shall keep as a permanent record in his office a book of suitable size, to be known as the "Chiropractic Register," and shall record therein all licenses to practice chiropractic issued by the Texas Board of Chiropractic Examiners which shall be presented to him for registration, and all the matter and things required by the preceding section to be recorded, and shall as required by law, make therein notation of the cancellation of licenses so registered, and of the death and removal from the county of chiropractors whose licenses are so registered. When any District Court shall cancel the license of any person to practice chiropractic, the clerk of said court shall, if said license is registered in his county, note the cancellation of said license upon the Chiropractic Register of said county and shall forthwith certify to the secretary of the Texas Board of Chiropractic Examiners, under the seal of said court, the fact that said license was so cancelled by said court, giving the exact date of said cancellation, and shall tax the fee for making said certificate as part of the costs of the suit to cancel said license. The notation of such cancellation shall consist of writing in large, legible letters across the face of the record of the license cancelled the words "Cancelled by the District Court of _____ County on the _____ day of _____, _____" (filling in the blanks so as to correctly indicate the name of the county, and the date of the cancellation), and such notation shall be dated and signed officially by the clerk. When any chiropractor shall die or remove from the county, it shall be the duty of the district clerk to note the fact of such death or removal upon the record of the license of such chiropractor who has died or removed from the county, in large, legible letters, the date of said notation and the official signature of the clerk. The district clerk shall collect from each chiropractor who presents a license for registration the sum of

One Dollar (\$1) at the time such license is presented to him for registration, and that sum shall be full compensation for recording said license and making all notations in the chiropractic register required by law to be made in reference to the chiropractor named in said license. All matters pertaining to each chiropractor shall be kept and written upon one page of said chiropractic register, and no other entry or registration shall ever be made on said page. It shall be unlawful for any district clerk to make a certified copy of any page or entry in said chiropractic register, or any part thereof, which is not an exact copy of the entire page, or which does not include all notations regarding the cancellation of license, death, or removal of the chiropractor in question appearing in the office of said clerk. A copy from the chiropractic register pertaining to any person whose license is registered therein, certified to by the district clerk having the custody of such chiropractic register, under the seal of said court, shall be competent evidence in all trial courts. The certificate of a district clerk under the seal of his office, certifying that the person named in said certificate is not registered as a chiropractor in the office of said district clerk, shall also be prima-facie evidence in all trial courts.

Sec. 8. It shall be unlawful for any person who shall be licensed for the practice of chiropractic by the Texas Board of Chiropractic Examiners as created by this Act, unless such person be registered as such practitioner with the Texas Board of Chiropractic Examiners on or before the first day of January, A. D. 1950, or thereafter registered in like manner annually as provided by this Act on or before the first day of January of each succeeding year, to practice chiropractic in this State. Each person so licensed and registered shall be deemed to have complied with the requirements and prerequisites of the laws governing the practice of Chiropractic in this State. Each person so registered with the Texas Board of Chiropractic Examiners shall pay in connection with each annual registration and for the receipt hereinafter provided for, a fee to be fixed by the Texas Board of Chiropractic Examiners not to exceed Fifteen Dollars (\$15), which fee shall accompany the application of every such person for registration. Such

payment shall be made to the Texas Board of Chiropractic Examiners. Every person so registered shall file with said Board a written application for annual registration, setting forth his full name, his age, post-office address, his place of residence, the county or counties in which his certificate entitling him to practice chiropractic has been registered, and the place or places where he is engaged in the practice of chiropractic, as well as the college of chiropractic from which he graduated, and the number and date of his license certificate.

Upon receipt of such application, accompanied by the registration fee, the Texas Board of Chiropractic Examiners, after ascertaining either from the records of the Board or from other sources deemed by it to be reliable, that the applicant is a licensed practitioner of chiropractic in this State, shall issue to the applicant an annual registration receipt certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the filing of such application, the payment of the registration fee and the issuance of such receipt shall not entitle the holder thereof to lawfully practice chiropractic within the State of Texas, unless he has in fact been previously licensed as such chiropractor by the Texas Board of Chiropractic Examiners, as prescribed by law, and has recorded his license certificate entitling him to practice, as issued by said Board, in the district clerk's office of the several counties in which the same may be required by law to be recorded, and unless his license to practice chiropractic is in full force and effect; and provided further that, in any prosecution for the unlawful practice of chiropractic as denounced in Section 6 hereof, such receipt showing payment of the annual registration fee required by this Section shall not be treated as evidence that the holder thereof is lawfully entitled to practice chiropractic.

Sec. 9. The Texas Board of Chiropractic Examiners shall upon payment by an applicant of a fee of Fifty Dollars (\$50). grant license to practice chiropractic to licentiates of other states or territories having requirements and practices equal to those established by the laws of this State. Applications for license under the provisions of this Section shall be in writ-

ing, and upon a form to be prescribed by the Texas Board of Chiropractic Examiners. Said application shall be accompanied by a license, or a certified copy of license to practice chiropractic, lawfully issued to the applicant, upon examination, by some other state or territory of the United States. Said application shall also be accompanied by an affidavit made by the president or secretary of the Board of Chiropractic Examiners which issued the said license, or by a legally constituted chiropractic registration officer of the state or territory by which the license was granted, and on which the application for chiropractic registration in Texas is based, reciting that the accompanying license has not been cancelled or revoked; and that the statement of qualifications made in the application for chiropractic license in Texas is true and correct. Applicants for license under the provisions of this Section shall subscribe to an oath in writing before an officer authorized by law to administer oaths which shall be a part of said application, stating that the license under which the applicant practiced chiropractic in the State or territory from which the applicant removed, was at the time of such removal in full force, and not suspended or cancelled. Said application shall also state that the applicant is the identical person to whom the said certificate was issued, and that no proceeding has been instituted against the applicant for the cancellation of said certificate to practice chiropractic in the State or territory by which the same was issued; and that no prosecution is pending against the applicant in any State or Federal Court for any offense which, under the law of Texas is a felony.

Sec. 10. All applicants for license to practice chiropractic in this State, not otherwise licensed under the provisions of this law, must successfully pass an examination by the Texas Board of Chiropractic Examiners established by this law. The Board is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. All applicants shall be eligible for examination who are citizens of the United States and present satisfactory evidence to the Board that they are more than twenty-one (21) years of age, of good moral character, and have at least graduated from a first grade high

school or who have such equivalent preliminary education as would permit them to matriculate in The University of Texas, and are graduates of bona fide reputable chiropractic schools (whose entrance requirements and course of instruction are as high as those of the better class of chiropractic school in the United States); a reputable chiropractic school shall maintain a resident course of instruction equivalent to not less than four (4) terms of eight (8) months each, or a resident course of not less than the number of semester hours required by The University of Texas for the granting of a Bachelor of Arts degree; shall give a course of instruction in the fundamental subjects named in Section 12 of this Act; and shall have the necessary teaching force and facilities for proper instruction in all of such subjects. Applications for examination must be made in writing, verified by affidavit, and filed with the secretary of the Board, on forms prescribed by the Board, accompanied by a fee of Twenty-five Dollars (\$25). All applicants shall be given due notice of the date and place of such examination.

If any applicant, because of failure to pass the required examination shall be refused a license, he or she, at such time as the Texas Board of Chiropractic Examiners may fix, not exceeding one (1) year, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe except that the applicant shall not be required to take a re-examination on subjects in which he has made a grade of seventy-five per cent (75%) or more, provided the applicant shall apply for re-examination within one (1) year upon the payment of such part of Twenty-five Dollars (\$25) as the Board may determine and state. In the event satisfactory grade shall be made in the subjects prescribed and taken on such re-examination, the Board shall grant to the applicant a license to practice chiropractic. The Board shall determine the grade to be given the examinees on the answers turned in on the subjects of complete and partial examination, and its decision thereupon shall be final.

Provided, however, that those who are regularly engaged in the practice of chiropractic in this State on April 18, 1949,

and who have completed a resident course and hold diplomas from schools recognized by the Board as being regularly organized and conducted as chiropractic schools at the time of the issuance of such diplomas, shall be licensed under the Act, provided they apply therefor within six (6) months after the effective date of this Act, and provided further that they shall meet the provisions of this Act with reference to citizenship, age and good moral character; and

Provided that those who have begun the study of chiropractic prior to the effective date of this Act in institutions regularly organized and conducted as chiropractic schools shall be licensed under this Act, provided they complete a standard chiropractic resident course of one hundred and twenty (120) semester hours in such school or schools and receive diplomas therefrom; and provided further that they shall meet the provisions of this Act with reference to citizenship, age, and good moral character.

Sec. 11. The funds realized from the fees collected under this Act shall constitute the "Chiropractic Examiners Fund" and shall be applied to the payment of necessary expenses of the Texas Board of Chiropractic Examiners, including the expenses authorized by said Board in enforcing the provisions of this Act, and to compensate members of the Board for the time actually spent in discharge of their official duties, in the sum of Ten Dollars (\$10) per day, plus their actual and necessary expenses.

All disbursements from said fund shall be made only upon written approval of the president and secretary-treasurer of the Texas Board of Chiropractic Examiners, and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 12. All examinations for license to practice chiropractic shall be conducted in writing in the English language and in such manner as to be entirely fair and impartial to all applicants. All applicants shall be known to the examiners only by numbers, without names or other method of identification on examination papers by which members of the Board may be able to identify such applicants, or examinees, until after the general averages of the examinees' numbers in the class have

been determined, and license granted or refused. Examinations shall be conducted on practical and theoretical chiropractic and in the subjects of anatomy, physiology, symptomatology, pathology and analysis of the human spine, and hygiene and public health. Upon satisfactory examination, conducted as aforesaid under the rules of the Board; which shall consist of an average grade of not less than seventy-five per cent (75%) with not less than sixty per cent (60%) in any one subject, applicants shall be granted license to practice chiropractic. All questions and answers, with grades attached, authenticated by the signature of the examiner, shall be preserved in the executive office of the Board for one (1) year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board, and signed by all members of the Board, or a quorum thereof.

Sec. 13. Nothing in this Act shall limit or affect the rights and powers of physicians and surgeons, duly qualified and registered as such under the laws of this State, to practice medicine as that term may now or hereafter be defined by law.

Sec. 14. The Texas Board of Chiropractic Examiners shall have the authority to revoke, cancel, or suspend the license of any person, or refuse to admit persons to its examinations and to issue licenses to practice chiropractic to any person or persons for any of the following reasons:

1. For failure to comply with, or the violation of, any of the provisions of this Act;
2. If it is found that said person or persons do not possess or no longer possesses a good moral character or is in any way guilty of deception or fraud in the practice of chiropractic;
3. The presentation to the Board, or use of any license, certificate or diploma, which was illegally or fraudulently obtained, or the presentation to the Board of any untrue statement or any document or testimony which was illegally or fraudulently obtained, or when fraud or deceit has been practiced in passing the examination;
4. Conviction of a crime of the grade

of a felony, or one which involves moral turpitude, or the procuring or assisting in the procuring of a criminal abortion;

5. Grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public; habits of intemperance, or drug addiction, or other habits calculated in the opinion of the Board to endanger the lives of patients;

6. The use of any advertising statement of a character to mislead or deceive the public;

7. Employing directly or indirectly any person or persons whose license to practice chiropractic or any of the healing arts has been cancelled, suspended or revoked, or the association in the practice of chiropractic with any person or persons whose license to practice chiropractic or any of the healing arts has been cancelled, suspended or revoked, or any person or persons who have been convicted of the unlawful practice of any of the healing arts in any State, territory or district.

Provided, that any person or persons whose license to practice chiropractic has been revoked, cancelled or suspended, or any applicant who may be refused admittance to examination before said Board or be refused a license after legal notice and a full and impartial hearing, shall have his right of action to have such issue tried in the District Court of any county in which one of the members of the Board shall reside, or in the county where the applicant resides. All orders of the Board shall be *prima-facie* valid.

Sec. 15. The District Courts of this State shall have the right to revoke, cancel, or suspend the license of any practitioner of chiropractic upon proof of the violation of the law in respect in regard thereto, or for any cause for which the Texas Board of Chiropractic Examiners shall be authorized to refuse to admit persons to its examination, as provided in Section 14 thereof, and it shall be the duty of the several District and County Attorneys of this State to file and prosecute appropriate proceedings for such revocation, cancellation, or suspension in the name of the State, on request of the Texas Board of Chiropractic Examiners.

Sec. 16. All judicial proceedings which shall be by any District or County Attorney under the provisions of the last preceding Section of this Act shall be in writing, shall state the ground thereof, and shall be signed officially by the prosecuting officer instituting the same. Citation thereon shall be issued in the name of the State of Texas in the manner and form as in other cases, and the same shall be served upon the defendant and such defendant shall be required to answer within the time and manner provided by law in civil cases. If the said practitioner of chiropractic shall be found guilty, or shall fail to appear and deny the charge, after being cited as aforesaid, the said court shall, by proper order entered on the minutes, suspend his license for a time, or revoke and cancel it entirely, and shall give proper judgment for costs.

Sec. 17. Upon the application of the Texas Board of Chiropractic Examiners, or a majority thereof, to the Attorney General setting forth that the County or District Attorney of a county or district has failed to prosecute or proceed against any person violating the terms of this Act, setting forth that application and request have been made of such County or District Attorney and that such request or application has been neglected or refused the Attorney General shall proceed against such person in the county of residence of the persons complained against, either by civil or criminal proceedings.

Sec. 18. The actual practice of chiropractic in violation of the provisions of this Act shall be enjoined at the suit of the State, but such suit for injunction shall not be entertained in advance of the previous final conviction of the party sought to be enjoined of violation of any provision of this Act. In such suits for injunction, it shall not be necessary to show that any person is personally injured by the acts complained of. Any person who may be or about to be so unlawfully practicing chiropractic in this State may be made a party defendant in said suit. The Attorney General, the District Attorney of the district in which the defendant resides, the County Attorney of the county in which the defendant resides, or any of them, shall have the authority, and it shall be their duty, and the duty of each of them, to

represent the State in such suits. No injunction, either temporary or permanent, shall be granted by any court, until after a hearing of the complaint is had by a court of competent jurisdiction on its merits. In such suit no injunction or restraining order shall be issued until final trial and final judgment on the merits of the suit. If on the final trial it be shown that the defendant in such suit has been unlawfully practicing chiropractic or is about to practice chiropractic unlawfully, the court shall by judgment perpetually enjoin the defendant from practicing chiropractic in violation of law as complained of in said suit. Disobedience of said injunction shall subject the defendant to penalties, provided by law for the violation of an injunction. The procedure in such cases shall be the same as in any other injunction suit as nearly as may be. The remedy by injunction given hereby shall be in addition to criminal prosecution. Such causes shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate courts in the same manner and under the same laws and regulations as other suits for injunction.

Sec. 19. Whoever violates any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$00), or by imprisonment in the county jail for not more than thirty (30) days.

Sec. 20. (a) Article 740 of the Penal Code of this State is hereby amended so as to hereafter read as follows:

"Article 740.

"Nothing in this Chapter shall be so construed as to discriminate against any particular school or system of medical practice, nor to affect or limit in any way the application or use of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; and provided further, that all those so ministering or offering to minister to the sick, or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the prin-

bles, tenets, or teachings of the church of which they are bona fide members. The provisions of this Chapter do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry; nor to duly licensed optometrists, who confine their practice strictly to optometry as defined by Statute; nor to duly licensed chiropractors who confine their practice strictly to chiropractic as defined by Statute; nor to nurses, who practice nursing only; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other states called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining, or treating patients. This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives, prophylactics or remedies which they recommend for the cure of disease."

(b) Article 741 of the Penal Code of this State is hereby amended so as to hereafter read as follows:

"Article 741.

"Any person shall be regarded as practicing medicine within the meaning of this Chapter (1) who shall publicly profess to be a physician or surgeon and who shall treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof; (2) or who shall treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury by any system or method, or to effect cures thereof and charge therefor, directly or indirectly, money or other compensation, provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas, and Article 4505, Revised Civil Statutes of Texas, as contained in this Act."

Sec. 21. (a) Article 4504 of the Revised Civil Statutes of Texas is hereby amended so as to hereafter read as follows:

“Article 0504.

“Nothing in this Chapter shall be so construed so as to discriminate against any particular school or system of medical practice, nor to affect or limit in any way the application or use of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; and provided further, that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members. The provisions of this Chapter do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry; nor to duly licensed optometrists, who confine their practice strictly to optometry as defined by Statute; nor to duly licensed chiropractors who confine their practice strictly to chiropractic as defined by Statute; nor to nurses who practice nursing only; nor to duly ~~Licensed~~ Chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract surgeons of the United States Army, Navy, or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other states called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining or treating patients. This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives, prophylactics or remedies which they recommend for the cure of disease.”

(b) Article 4510, Revised Civil Statutes of Texas is hereby amended so as to hereafter read as follows:

“Article 4510.

“Any person shall be regarded as practicing medicine within the meaning of this law:

“(1) Who shall publicly profess to be a physician or surgeon and shall treat, or offer to treat, any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof; (2) or who shall treat or offer to treat any disease or disorder, mental or physical or any physical deformity or injury by any system or method and to effect cures thereof and charge therefor, directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas, and Article 4504, Revised Civil Statutes of Texas contained in this Act.”

Sec. 22. The seal of the Board created by this Act shall consist of a star of five points with the words, “The State of Texas,” and the words, “Texas Board of Chiropractic Examiners,” around the margin thereof.

Sec. 23. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, only to the extent of the conflict.

Sec. 24. If any of the provisions of this Act, or any Section or part thereof, shall be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the constitutionality or validity of any other provision, Section or part of this Act, and it is the legislative intent that all of the remaining parts of this Act should remain in full force and effect in spite of any invalidity of any provision, Section or part thereof; and the Legislature would have passed all other provisions, Sections and parts thereof regardless of the invalidity of any other provision, Section or part thereof of this Act.

Sec. 25. The fact that there is now no law in the State of Texas regulating the practice of chiropractic creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be and is hereby suspended, and

this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 18, 1949: Yeas 100, Nays 18, 1 present not voting; passed the Senate, April 21, 1949: Yeas 23, Nays 3.

Approved April 27, 1949.
Effective April 27, 1949.

RULES

For the Regulation of Application and Applicants

RULES

Rule 1. All examinations shall be held in the City of Austin, Texas, except as otherwise provided by the Board of Examiners.

Rule 2. Beginning with the year 1951 two regular three-day examinations shall be held each year opening respectively on the second Thursday of each May and November.

Rule 3. To be eligible for examination the applicant shall be a citizen of the United States, at least 21 years of age, of good moral character and have at least graduated from a first grade high school, or have such equivalent preliminary education as would permit applicant to matriculate in the University of Texas, and be a graduate of a bona fide reputable chiropractic school whose entrance requirements and course of instructions are as high as those of the better class of chiropractic schools in the United States, provided other qualifications are met.

Rule 4. Every person intending to apply for admission to take the examinations of the Texas Board of Chiropractic Examiners shall at least 15 days prior to a regular meeting of the Board make a written request for such examination to the secretary of the Board. Such request shall be accompanied by an examination fee of \$25.00, which shall be either a post office money order or bank certified or cashier's check made payable to the Texas Board of Chiropractic Examiners. The applicant shall state his name, age, sex, place of residence, name and location of the Chiro-

practic School or College from which such applicant graduated, length of time devoted to the study of Chiropractic, the date of graduation, together with such other information and data as may be required to satisfy the Board. For identification purposes the applicant shall submit with his application an unretouched photograph taken within the past 6 months, showing front view of head and shoulders. (Passport size.)

Rule 5. All applications shall be in the handwriting of the applicant and shall be sworn to or affirmed by him.

Rule 6. If an applicant because of failure to pass the required examination shall be refused license, he or she at any time thereafter as fixed by the Texas Board of Chiropractic Examiners not to exceed one year shall be permitted to take a subsequent examination upon such subjects required in the original examination as the Board may prescribe, but the applicant shall not be required to take a re-examination on subjects in which he has a grade of 75% or more, provided the applicant shall apply for re-examination within one year and upon payment of such part of \$25.00 as the Board may determine. In the event of satisfactory examination the Board shall then grant to applicant a license to practice Chiropractic. The Board shall determine the grades to be given examinees on answers turned in and the Board's decision thereon shall be final.

Rule 7. Reciprocity: Applicants of other States or Territories having requirements in practices equal to those established by the Laws of this State shall apply in writing and upon a form prescribed by the Board. Such application shall be accompanied by a License, or a Certified copy of License to practice Chiropractic lawfully issued to the Applicant upon examination, by some other State or Territory of the United States. Said Application shall also be accompanied by an affidavit made by the President or Secretary of the Board of Chiropractic Examiners which issued such License, or by a legally Constituted Chiropractic Registration Officer of the State or Territory by which the License was granted, and on which the Application for Chiropractic Registration in Texas is based reciting that the accompanying License

has not been cancelled or revoked, and that the statement of qualifications made in the Application for a License in Texas is true and correct. Applicants for License under this Section shall subscribe to an Oath in writing before an officer authorized by Law to administer Oaths which shall be a part of said Application, stating that the License under which the Applicant practiced Chiropractic in the State or Territory from which the Applicant removed was at the time of such removal in full force and not suspended or cancelled said Application shall also state that the Applicant is the identical person to whom said Certificate was issued and that no proceeding has been instituted against the Applicant for the cancellation of said Certificate to practice Chiropractic in the State or Territory by which the same was issued and that no prosecution is pending against the Applicant in any State or Federal Court for any offense which under the Laws of Texas is a felony. All applications for Reciprocity shall be accompanied by a fee of Fifty Dollars (\$50.00), which shall be either a Post Office Money Order or Bank Certified or Cashier's Check, made payable to the Texas Board of Chiropractic Examiners.

Rule 8. All proceedings of the Board shall be governed by Roberts Rules of Order.

LICENSES AND RENEWALS

Section I. Licensee must record license with District Clerk in each and every county in which he resides or maintains an office; and must notify the Board of any change in street, or post office address immediately.

Section II. License renewal fee shall be paid on or before January 1st of each year.

Section III. If licensee fails to pay annual renewal fee, said licensee may be required to take an examination before reinstatement of license.

CODE OF ETHICS

It shall be considered unprofessional conduct:

1. For a licensed Chiropractor to conduct any business or enterprise other than Chiropractic in which the holder's license is used as a means of attracting patients, business or prestige in the conduct of such enterprise.

2. For a licensee to advertise free Chiropractic service except by permission of the Texas Board of Chiropractic Examiners.

3. For licensee to advertise fees for service, "Free Examination," "No charge for consultation," "Consultation without obligation," or other like phrases and words.

4. For licensee to do personal canvassing to solicit patronage.

5. For licensee to bear false witness or make damaging statements about another licensee or group of licensees.

6. For licensee to distribute or cause to be distributed unprofessional literature.

7. For licensee to attempt or to render professional service when under the influence of drugs or intoxicating liquors.

8. For licensee to use any advertising statement or statements of a character to mislead or deceive the public.

8A. It will be considered misleading and deceiving the public to advertise comparative superiority in the field of Chiropractic, or to advertise any modality or supplementary treatment as a part of, or in connection with the practice of Chiropractic; provided, however, that the advertising of "x-ray Spinal Analysis," shall not be considered comparative superiority, or unprofessional conduct.

For licensee to advertise methods such as Specific Chiropractic, Basic technique, Meric technique, or any other technique by name.

For licensee to advertise as a graduate of any specific school, such as Carver graduate, Palmer graduate, Logan graduate, etc., except in opening announcements, and then only in a biographical layout.

For licensee to advertise himself as a "Chiropractic Specialist."

For licensee to advertise himself as a graduate or licensed Chiropractor.

For licensee to use such phrases or adjectives in advertising as "modern" or "most modern," "scientific," "latest procedures," "Pioneer Chiropractor," "best equipped," "latest methods," "oldest Chiropractor," or any other like words or phrases.

For licensee to run a list of diseases by name only in any advertising.

For licensee to advertise any modality except X-ray, and then only in connection with spinal analysis.

8B. It will be considered misleading and deceiving the public to use a testimonial or history of a case as your own case, when it was a case of another Chiropractor.

9. It shall further be considered unprofessional conduct on licensee's part unless he shall maintain sanitary and safe equipment.

10. For licensee to use the words "Chiropractic Physician."

11. For licensee to use the word "Doctor" without designating himself as a Chiropractor.

12. For practicing licensee to fail to use the word "Chiropractor," "Chiropractic," or "D. C." in all advertising, signs, letterheads, etc.

These rules pertain to any and all advertising done by licensed Texas Chiropractors, such as telephone books, newspapers, radio, television, outdoor signs, all mailing lists, of any advertising originating in licensee's office.

Failure to comply with above regulations may result in suspension or revocation of license to practice Chiropractic in the State of Texas.

These rules and regulations are subject to change without notice by a quorum of the Board.

MINIMUM STANDARDS LAW

State of Texas

H. B. 103, Acts of the 51st Legislature,
1949

Section 1. Basic Science Certificate Required. No person shall be permitted to take an examination for a license to practice the healing art or any branch thereof, or be granted any such license, unless he has presented to the Board or officer empowered to issue such a license as the applicant seeks, a certificate of proficiency in anatomy, physiology, chemistry, bacteriology, pathology, and hygiene and public health, hereinafter referred to as the basic sciences, issued by the State Board of Examiners in the Basic Sciences.

Sec. 2. The Healing Art Defined. For the purpose of this Act, the healing art includes any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

Sec. 3. Board of Examiners. The Governor, within thirty (30) days after this Act takes effect, shall appoint a State Board of Examiners in the Basic Sciences, hereinafter referred to as the Board, consisting of six (6) members. The said Board shall be appointed subject to the consent and confirmation of the Senate. Of the members first appointed, two (2) shall serve for a term of two (2) years, or until their successors shall be appointed and qualified; two (2) shall serve for a term of four (4) years, or until their successors shall be appointed and qualified; and the remaining two (2) members shall serve for a term of six (6) years, or until their successors shall be appointed and qualified. Thereafter at the expiration of the term of each member of the Board first appointed, his successor shall be appointed by the Governor for, and shall serve

for, a term of six (6) years, or until his successor shall be appointed and qualified. On the death, resignation or removal of any member, the Governor shall fill the vacancy by appointment for the unexpired portion of the term. Every member shall serve until his successor is appointed and qualified. The members of the Board shall be selected because of their knowledge of the basic sciences named in this Act, and each member shall be a professor, or an assistant or associate professor or an instructor on the faculty of the University of Texas, the Agricultural and Mechanical College of Texas, the Texas Technological College, Baylor University, Southern Methodist University, Texas Christian University, St. Edwards University, Rice Institute, Southwestern University, or any other institution or college located within the State for instruction. Each member shall have resided in the State of Texas not less than one (1) year next preceding his appointment. No member of the Board shall be actively engaged in the practice of the healing art or any branch thereof, nor possess or have in the past possessed a license to practice the healing art or any branch thereof, nor be employed or having in the past been employed by any medical branch of any school or college.

Sec. 4. Organization, Officers and Compensation of Board. The Board shall organize as soon as practicable after its appointment. It shall have authority to elect officers, to adopt a seal, and to make such rules and regulations, not inconsistent with the law, as it deems expedient to carry this Act into effect. The Board shall keep a record of its proceedings, which shall be prima-facie evidence of all matters contained therein. Each member of the Board shall take the Constitutional Oath of Office.

Each member of the Board shall be paid Ten Dollars (\$10) per day for each day actively engaged in the discharge of his duties, and the time spent in going to and returning from meetings of the Board shall be included in computing such time. In addition to this per diem, each member of the Board shall receive expenses incurred while actually engaged in the performance of the duties of the Board. The Secretary and Treasurer shall each be required to execute a bond in the sum of

Ten Thousand Dollars (\$10,000) for the faithful performance of his duties, payable to the State of Texas. The premium of such bonds shall be paid out of fees received. The office of the Board shall be in the State Capitol, and quarters for that office shall be assigned by the State Board of Control in the Capitol building, or some other building occupied by the State Government, where its permanent records shall be kept.

Sec. 5. Fees Payable by Applicants. The fee for examination by the Board shall be Fifteen Dollars (\$15). The fee for re-examination within a twelve-month period shall be Ten Dollars (\$10), but the fee for re-examination after the expiration of twelve (12) months shall be the same as the original fee. The fee for the issue of a certificate by authority of reciprocity, on the basis of qualifications as determined by the proper agency of some other State, Territory, or the District of Columbia shall be Twenty-five Dollars (\$25). All fees shall be paid by the Board by the applicant when he files his application. The Board shall pay all money received as fees into the State Treasury, where such money will be placed in a special fund to be known as "The Basic Science Examination Fund." All money so received and placed in such fund shall be used by the Board of Examiners in the Basic Sciences in paying its compensation and defraying its expenses, and in administering, enforcing and carrying out the provisions of the law. The Board may hire such employees as are necessary in carrying out the provisions of this law. The State Treasurer shall pay out of the fund the compensation of and expenses incurred by the Board on warrants based upon vouchers signed by the President and the Secretary of the Board.

Sec. 6. Examination. The Board shall conduct examinations at such times and places as it deems best, provided, however, that the first examination shall be held within six (6) months from the effective date of this Act, and one examination shall be held during each period of six (6) months thereafter. Every applicant, except as hereinafter provided, shall be examined to determine his knowledge, ability and skill in the basic sciences. The examinations shall be conducted in writing, and

in such manner as to be entirely fair and impartial to all individuals and to every school or system of practice. All applicants shall be known to the examiners only by numbers, without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. If the applicant receives a credit of seventy-five per cent (75%) or more in each of the basic sciences, he shall be considered as having passed the examination. If the applicant receives less than seventy-five per cent (75%) in one subject and receives seventy-five per cent (75%) or more in each of the remaining subjects, he shall be allowed a re-examination at the examination next ensuing, on application and the payment of the prescribed fee, and he shall be required to be re-examined only in the subject in which he received a rating less than seventy-five per cent (75%). If the applicant receives less than seventy-five per cent (75%) in more than one subject, he shall be entitled to take a second examination after a period of six (6) months has elapsed from the date of the first examination, and he shall then be re-examined in all subjects. If the applicant receives less than seventy-five per cent (75%) in more than one subject on such second examination, he shall not be re-examined unless he presents proof, satisfactory to the Board, of additional study in the basic sciences sufficient to justify re-examination, and shall then be re-examined in all subjects. Provided, however, it is the intent of this Act that the examinations given shall be similar to the examinations given in the subjects named in this Act at the college or universities named above.

Sec. 7. Requirements for Certificate. No certificate shall be issued by the Board unless the person applying for it submits evidence, satisfactory to the Board. (1) that he is a citizen of the United States; (2) that he is not less than nineteen (19) years of age; (3) that he is a person of good moral character; (4) that he was graduated by a high school accredited by the State Committee on Classified and Accredited Schools, or a school of equal grade, or that he possesses educational

qualifications equivalent to those required for graduation by such an accredited high school; (5) he must have completed sixty semester hours of college courses which would be acceptable at the time of completing same at The University of Texas on a Bachelor of Arts Degree or a Bachelor of Science Degree; and (6) that he has a comprehensive knowledge of the basic sciences as shown by his passing the examination given by the Board as by this Act required. This shall not be construed to prevent the issue of certificates under the provisions of Section 8 of this Act.

Sec. 8. Reciprocity. The Board may in its discretion waive the examination required by Section 7, when proof satisfactory to the Board is submitted, showing (1) that the applicant has passed in another State, Territory, or the District of Columbia an examination in the basic sciences before a Board of Examiners in the Basic Sciences; (2) that the requirements of that State, Territory, or District of Columbia are not less than those required by this Act as a condition precedent to the issue of a certificate; (3) that the Board of Examiners in the Basic Sciences in that State, Territory, or District of Columbia grants like exemption from examination in the basic sciences to persons holding certificates from the State Board of Examiners in the Basic Sciences in Texas; (4) that the applicant show satisfactory proof that he is a citizen of the United States; and (5) that the applicant is a person of good moral character and the holder of an uncancelled basic science certificate from another State, Territory, or the District of Columbia.

Sec. 9. Appeal. Any person aggrieved by any action of the Board may appeal to a District Court of any county in which the aggrieved person resides. Such appeals shall be taken by serving the Secretary of the Board with citation duly issued by the clerk of the District Court, and the same shall be served in the manner provided by law in the service of citations in suits of a civil nature, and at the expiration of twenty (20) days after the service of said citation, the said cause shall thereupon stand for trial. Such notice of appeal, or citation shall state the action from which the appeal is taken, and, if the appeal is from an order of the Board, stat-

ing such order or the part thereof from which the appeal is taken, and filing with the district clerk a bond in the sum of Five Hundred Dollars (\$500), conditioned for the payment of all costs of the appeal. All members of the Board who shall incur any expense on account of the trial of any proceeding in district court incident to appeal from actions of the Board, shall receive the necessary and proper expenses, including traveling expenses incident thereto, same to be paid out of the funds of the Board in the same manner and by the same proceeding as other expenditures are authorized from said fund.

Sec. 10. Certificates and Licenses Void. Any basic science certificate or any license to practice the healing art, or any branch thereof, issued contrary to this Act, shall be void. Any license or certificate of authority to practice the healing arts, or any branch thereof, based upon a void basic science certificate shall be void and shall be so adjudged by any District Court in which the trial of a suit to adjudge the same void or cancel or revoke a license to practice the healing arts may be had. The procedure for such revocation or cancellation shall be in accordance with the provisions of the Act under which such license was issued authorizing the cancellation or revocation of licenses for the practice of the healing art generally. Any certificate of proficiency issued by the Board shall become void upon the revocation of the license of the holder thereof to practice the healing art, or any branch thereof.

Sec. 11. Practice without Certificate Forbidden. Any person who practices the healing art, or any branch thereof, without having obtained a valid certificate from the State Board of Examiners in the Basic Sciences, except as otherwise authorized by this Act, shall be fined not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

Sec. 12. Fraudulent Certificate Forbidden. Any person who obtains a basic science certificate by fraudulent means, or

who forges, counterfeits or fraudulently alters any such certificate, shall be punished by confinement in the penitentiary for not less than two (2) nor more than five (5) years.

Sec. 13. Bribery Forbidden. Any person who shall bribe or offer to bribe any member of the Basic Science Board authorized to issue a certificate of proficiency in the basic sciences, for the purpose of obtaining a certificate of proficiency in the basic sciences, shall be confined in the penitentiary not less than two (2) nor more than five (5) years.

Sec. 14. Fraudulent Licenses Forbidden. Any person who knowingly obtains for himself a license to practice the healing art, or any branch thereof, or who aids, advises or assists another in so doing without first obtaining a certificate of proficiency from the Basic Science Board created hereby, or any person who shall present to a licensing board authorized to grant licenses to practice the healing art, or any branch thereof, a certificate obtained from the State Board of Examiners in the Basic Sciences by dishonesty or fraud or by any forged or counterfeit certificate of proficiency, or who knowingly aids, advises or assists another in so doing, shall be guilty of a felony, and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Two Thousand Dollars (\$2,000), or imprisonment in the penitentiary for not less than two (2) nor more than five (5) years, or by both such fine and imprisonment.

Sec. 15. Enforcement. It shall be the duty of every District Judge in this State, who is required by law to impanel grand juries, to explain to each grand jury the provisions of this Act, and to direct the said grand jury to inquire as to whether or not any provisions of this Act have been violated, and if sufficient evidence has been discovered, to return true bills of indictment.

In the enforcement of this law, the Board shall be represented by the Attorney General and by the County and District Attorneys of this State. The Board, any committee or any member thereof, shall have the power to issue subpoenas and subpoenas duces tecum to compel the

attendance of witnesses and the production of books, records and documents, to administer oaths and to take testimony concerning all matters within its or his jurisdiction. The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law.

Sec. 16. Exceptions. The provisions of this Act do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry, or those persons under the jurisdiction of the Texas State Board of Dental Examiners; nor to duly licensed optometrists who confine their practice strictly to optometry as defined by Statute; nor to nurses who practice nursing only; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract Surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor legally qualified physicians of other states called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining or treating patients. The Basic Science Law shall not affect or limit in any way the application of use of the principles, tenets or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with, and provided further that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining office, except for the purpose of exercising the principles, tenets or teachings of the church of which they are bona fide members; nor shall the Basic Science Law apply to persons licensed to practice the healing art, or any branch thereof, in the State of Texas when this Act shall take full force and effect; nor shall the Basic Science Law apply to any Chiropractor who is a graduate of a school which was regularly organized and conducted as a chiropractic school in the

United States at the time of such graduation and who has practiced Chiropractic one (1) year immediately preceding the effective date of this Act and who has resided in Texas for two (2) years immediately preceding the effective date of this Act and who has never had a license to practice any branch of the healing art cancelled by any American or Canadian State, Province or Territory, provided, however, that licenses voided by virtue of the decision in *Ex Parte Halsted*, 182 S. W. (2nd) 479, shall not be construed as licenses cancelled as provided by this Section.

Sec. 16-a. The Board shall issue a certificate of proficiency to any person who is otherwise qualified by law and who shall present to the Board, a transcript of credits certifying that such person has satisfactorily completed sixty (60) or more semester hours of college credits at a college or university which issues credits acceptable to The University of Texas leading toward a Bachelor of Arts or a Bachelor of Science Degree; said college or university credits shall include the satisfactory completion of all of the subjects enumerated in Section 1 of this Act with an average of seventy-five per cent (75%) or better in each of such courses; and The University of Texas shall offer at the Main University, at Austin, Texas, beginning with the fall semester 1949, courses in each of the above-enumerated subjects.

Sec. 17. Chapter 6, Title 12, of the Penal Code of this State shall be amended by adding thereto the following, to be known as Article 742-a:

“Article 742-a. The Healing Art Defined. The healing art includes any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.”

Sec. 18. Chapter 6, Title 12 of the Penal Code of this State shall be amended by adding thereto the following, to be known as Article 732-b:

“Article 742-b. Exceptions. The provisions of the Basic Science Law do not

apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry, or those persons under the jurisdiction of the Texas State Board of Dental Examiners; nor to duly licensed optometrists, who confine their practice strictly to optometry as defined by Statute; nor to nurses who practice nursing only; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract Surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other States called in consultation, but who have no office in Texas and appoint no place in this State for seeing, examining or treating patients. The Basic Science Law shall not affect or limit in any way the application or uses of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; and provided further that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members, nor shall the Basic Science Law apply to persons licensed to practice the healing art, or any branch thereof, in the State of Texas when this Act shall take full force and effect; nor shall the Basic Science Law apply to any Chiropractor who is a graduate of a school which was regularly organized and conducted as a chiropractic school in the United States at the time of such graduation and who has practiced Chiropractic one (1) year immediately preceding the effective date of this Act and who has resided in Texas for two (2) years immediately preceding the effective date of this Act and who has never had a license to practice any branch of the healing art cancelled by any American or Canadian State, Province or Territory, provided however, that licenses voided by virtue of the decision in *Ex Parte: Halsted*, 182, S. W. (2nd) 479, shall not

be construed as licenses cancelled as provided by this Section."

Sec. 19. Chapter 6, Title 12, of the Penal Code of Texas, shall be amended by adding thereto the following, to be known as Article 742-c:

"Article 742-c. Unlawfully Practicing Healing Art; Penalty. Any person who practices the healing art, or any branch thereof, without having obtained a valid certificate from the State Board of Examiners in the Basic Sciences, except as otherwise authorized by this Act, shall be fined not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense."

Sec. 20. Chapter 6, Title 12, of the Penal Code of this State shall be amended by adding thereto the following, to be known as Article 744-a:

"Article 744-a. Obtaining Basic Science Certificate by Fraud, Forgery or Counterfeit; Penalty. Any person who obtains a basic science certificate by fraudulent means, or who forges, counterfeits or fraudulently alters any such certificate, shall be punished by confinement in the penitentiary not less than two (2) nor more than five (5) years."

Sec. 21. Chapter 6, Title 12, of the Penal Code of this State shall be amended by adding thereto the following to be known as Article 744-b:

"Article 744-b. Valid Basic Science Certificate Prerequisite to License to Practice Healing Art. Any person who knowingly obtains for himself a license to practice the healing art, or any branch thereof, or who aids, advises or assists another in so doing without first obtaining a certificate of proficiency from the Basic Science Board, or any person who shall present to a licensing board authorized to grant licenses to practice the healing art, or any branch thereof, a certificate obtained from the State Board of Examiners in the Basic Sciences by dishonesty or fraud or by any forged or counterfeit certificate of proficiency, or who knowingly aids, advises

or assists another in so doing, shall be guilty of a felony and upon conviction shall be punished by fine of not less than One Hundred Dollars (\$100) nor more than Two Thousand Dollars (\$2,000), or imprisonment in the penitentiary for not less than two (2) nor more than five (5) years, or by both such fine and imprisonment."

Sec. 22. Chapter 1, Title 5, of the Penal Code of this State shall be amended by adding thereto the following, to be known as Article 160-a:

"Article 160-a. Bribery of Basic Science Board. Any person who shall bribe or offer to bribe any member of the Basic Science Board authorized to issue a certificate of proficiency in the basic sciences shall be confined in the penitentiary not less than two (2) nor more than five (5) years."

Sec. 23. Chapter 1, Title 5, of the Penal Code of this State shall be amended by adding thereto the following, to be known as Article 160-b:

"Article 160-b. Acceptance of Bribe by Basic Science Board. Any member of the Basic Science Board who shall accept a bribe or consent to accept a bribe under an agreement or with an understanding that he will aid any person in obtaining a certificate of proficiency in the basic sciences in return for the bribe given or promised, shall be confined in the penitentiary not less than two (2) nor more than five (5) years."

Sec. 24. Saving Clause. That in the event any section or part of section or provision of this Act be held invalid, unconstitutional, or inoperative this shall not affect the validity of the remaining sections, or parts of sections of the Act, but the remainder of the Act shall be given effect as if said invalid, unconstitutional, or inoperative section, or any part of section or provision, had not been included. In the event any penalty, right, or remedy created or given in any section or part of this Act is held invalid, unconstitutional or inoperative, this shall not affect the validity of any other penalty, right or remedy created or given by either the whole Act, or in the section thereof con-

taining such invalid, unconstitutional, or inoperative part; and if any exception to, or any limitation upon, any general provision herein contained shall be held to be unconstitutional or invalid, the general provision shall, nevertheless stand effective and valid, as if the same had been enacted without such limitation or exceptions.

Sec. 25. Present Licensure Acts Not Repealed. No provisions of this Act shall be construed as repealing any statutory provision in force at the time of its passage with reference to the requirements governing the issuance of licenses to practice the healing art, or any branch thereof, or as in any way lessening such requirements.

Sec. 26. Emergency. The importance to the public of the provisions of this Act and the necessity for further safeguarding the granting of licenses to persons practicing the healing arts contained in this Act, create an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

APPROVED: April 28, 1949.

Effective: April 28, 1949.

AMENDMENTS

H. B. 915, Acts of the 51st Legislature,
1949

Be It Enacted by the Legislature
of the State of Texas:

Section 1. That Section 8, 16 and 18 of House Bill No. 103, Acts of the Fifty-first Legislature, 1949, be and the same are amended so as to hereafter read as follows:

“Section 8. Reciprocity. The Board shall waive the examination required by Section 7, when proof satisfactory to the Board is submitted, showing (1) that the applicant has passed in another State, Territory, or District of Columbia, an examination in the basic sciences before a board of examiners; (2) that the requirements

of that State, Territory, or District of Columbia are not less than those required by this Act as a condition precedent to the issue of a certificate; (3) that the board of examiners in that State, Territory, or District of Columbia grants like exemptions from examination in the basic sciences to persons holding certificates from the State Board of Examiners in the Basic Sciences in Texas; (4) that the applicant show satisfactory proof that he is a citizen of the United States; and (6) that the applicant is a person of good moral character and the holder of an uncancelled basic science certificate from another State, Territory, or the District of Columbia."

"Sec. 16. Exceptions. The provisions of this Act do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry, or those persons under the jurisdiction of the Texas State Board of Dental Examiners; nor to duly licensed optometrists who confine their practice strictly to optometry as defined by Statute; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract Surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor legally qualified physicians of other States called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining or treating patients. The Basic Science Law shall not affect or limit in any way the application or use of the principles, tenets or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with, provided however, that the provisions of this Act shall not apply to a member of any religious faith in administering the last rites of his faith and provided further that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining office, except for the purpose of exercising the principles, tenets or teachings of the church of which they are bona fide members; nor shall the Basic Science Law apply to persons licensed to

practice the healing art, or any branch thereof, in the State of Texas when this Act shall take full force and effect; nor shall the Basic Science Law apply to any Chiropractor who is a graduate of a school which was regularly organized and conducted as a chiropractic school in the United States at the time of such graduation and who has practiced Chiropractic one (1) year immediately preceding the effective date of this Act and who has resided in Texas for two (2) years immediately preceding the effective date of this Act and who has never had a license to practice any branch of the healing art cancelled by any American or Canadian State, Province or Territory, provided, however, that licenses voided by virtue of the decision in *ExParte Halsted*, 182 S. W. (2nd) 479, shall not be construed as licenses cancelled as provided by this Section."

Sec. 18. Chapter 6, Title 12 of the Penal Code of this State, shall be amended by adding thereto the following to be known

as Article 742-b:

"Article 742-b. Exceptions. The provisions of the Basic Science Law do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry, or whose persons under the jurisdiction of the Texas State Board of Dental Examiners; nor to duly licensed optometrists, who confine their practices strictly to optometry as defined by Statute; nor to nurses who practice nursing only; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by Statute; nor to masseurs in their particular sphere of labor; nor to commission or contract Surgeons of the United States Army, Navy or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other States called in consultation, but who have no office in Texas and appoint no place in this State for seeing, examining or treating patients. The Basic Science Law shall not affect or limit in any way the application or uses of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of

any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; provided, however, that the provisions of this Act shall not apply to a member of any religious faith in administering the last rites of his faith; and provided further that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members, nor shall the Basic Science Law apply to persons licensed to practice the healing art, or any branch thereof in the State of Texas when this Act shall take full force and effect; nor shall the Basic Science Law apply to any Chiropractor who is a graduate of a school which was regularly organized and conducted as a chiropractic school in the United States at the time of such graduation and who has practiced Chiropractic one (1) year immediately preceding the effective date of this Act and who has resided in Texas for two (2) years immediately preceding the effective date of this Act and who has never had a license to practice any branch of the healing art cancelled by any American or Canadian State, Province, or Territory, provided, however, that licenses voided by virtue of the decision in *Ex Parte: Halsted*, 182 S. W. (2nd) 479, shall not be construed as licenses cancelled as provided by this Section."

Sec. 2. That House Bill No. 103, Acts of the Fifty-first Legislature, 1949, be amended by adding a new section at the end of Section 23 to be numbered Section 23a and to read as follows:

"Sec. 23a. The provisions of this Act shall not apply to graduates of schools of the healing arts who have been enrolled in their respective schools for at least one (1) year prior to the time this Act becomes law and who have attended said schools under the G. I. Bill of Rights and were bona fide residents of the State of Texas at the time they entered the military service, provided further that this Section shall not apply to any person who entered the military service after January 1, 1946."

Sec. 3. If any provision of this Act shall

be held invalid such invalidity shall not affect the remaining portions of this act and the Legislature declares that it would have enacted such remaining portions despite such invalidity.

Sec. 4. The fact that the crowded condition of the Calendar together with the fact that the major portion of the one hundred and twenty days of the session has expired and the dire need of such legislation create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall be in full force and effect from and after its passage, and it is so enacted.

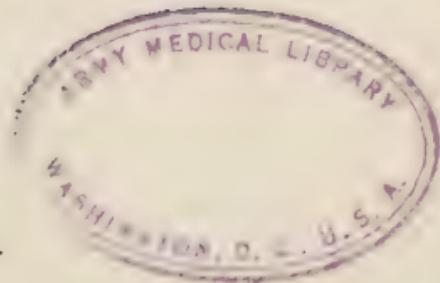
H. B. No. 915 was passed by the House on May 5, 1949, by a *viva voce* vote.

H. B. No. 915 was passed by the Senate on May 12, 1949: Yeas 31, Nays 0.

APPROVED: May 27, 1949.

Effective: October 5, 1949.

Basic Science Act: Inquiries concerning the Minimum Standards (Basic Science Law) should be addressed to the Board of Examiners in the Basic Sciences, Nalle Building, Austin, Texas.





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